

NOT FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

)
In re:)
)
) Civil No. 2007-38
INNOVATIVE COMMUNICATION)
COMPANY, LLC,) Chapter 11 Case No. 06-30008
)
)
Debtor.)
)

ATTORNEYS:

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ORDER

GÓMEZ, C.J.

On February 22, 2007, the Virgin Islands Public Services Commission ("PSC") filed a notice of appeal from the February 13, 2007, order of the United States Bankruptcy Court for the

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District of the Virgin Islands (the "Bankruptcy Division"), granting a motion to appoint a Chapter 11 trustee in the underlying bankruptcy matter. That same day, the Court entered an Order stating that:

Appellant shall, not later than 10 days after the date of this Order, file and serve on the other parties the designation of record and statement of the issues to be presented, failing which the Appeal may be dismissed for failure to prosecute

. . .

Appellant's brief shall be filed and served within 30 days of the date of this Order, or if the designated record includes a transcript, within 15 days after the transcript is filed, whichever comes later

(Order 1-2, Feb. 22, 2007.)

As of the date of this Order, the PSC has still not filed a designation of record, or an appellant's brief in this matter. Because the PSC has failed to file these documents, the above-captioned appeal may be dismissed for failure to prosecute. See, e.g., *In re E Toys Inc.*, 263 Fed. Appx. 235, 238, 2008 WL 241367 at *2 (3d Cir. Jan. 30, 2008) (affirming the district court's dismissal of a bankruptcy appeal based on the appellant's "repeated failures to adhere to ordered briefing deadlines") (unpublished).

Accordingly, it is hereby

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ORDERED that the PSC, no later than March 13, 2009, shall show cause in writing why this matter should not be dismissed for failure to prosecute.

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CURTIS V. GÓMEZ
Chief Judge

